

**104TH GENERAL ASSEMBLY****State of Illinois****2025 and 2026****SB2085**

Introduced 2/6/2025, by Sen. Erica Harriss

**SYNOPSIS AS INTRODUCED:**

235 ILCS 5/1-3.05	from Ch. 43, par. 95.05
235 ILCS 5/1-3.45	
235 ILCS 5/1-3.47 new	
235 ILCS 5/6-16	from Ch. 43, par. 131
235 ILCS 5/6-35.5 new	
410 ILCS 620/10	from Ch. 56 1/2, par. 510

Amends the Liquor Control Act of 1934. Provides that "alcoholic liquor" and "alcohol-infused products" does not include frozen desserts containing alcoholic liquor. Provides that "frozen desserts containing alcoholic liquor" means ice cream or other frozen desserts that are made with liquor, wine, beer, cider, or any combination thereof and that contain more than 0.5% but not more than 5% of alcohol by volume. Provides that no person shall sell a package of frozen desserts that contains more than 5% alcohol by volume. Provides that no person shall sell, give, or deliver frozen desserts containing alcoholic liquor to a person under the age of 21. Provides that a person under the age of 21 may not purchase, possess, or consume frozen desserts containing alcoholic liquor. Provides that no person shall sell a package of frozen desserts containing alcoholic liquor for consumption off the premises or for consumption on the premises unless it contains specified notices and warnings. Provides that no manufacturer or distributor of frozen desserts containing alcoholic liquor shall sell the product to a person intending to sell at retail individual servings of frozen desserts containing alcoholic liquor or packages of frozen desserts containing alcoholic liquor for consumption off the premises, unless, with each shipment, the manufacturer or distributor provides a written notice that frozen desserts containing alcoholic liquor may be sold at retail only if the retailer complies with specified requirements and provides a written copy of those requirements. Provides that frozen desserts containing alcoholic liquor are subject to all applicable food safety laws, rules, standards, and requirements, including, but not limited to, the provisions of the Illinois Food, Drug and Cosmetic Act. Makes conforming changes. Amends the Illinois Food, Drug and Cosmetic Act to make a conforming change.

LRB104 05948 RPS 15981 b

1           AN ACT concerning liquor.

2           **Be it enacted by the People of the State of Illinois,**  
3           **represented in the General Assembly:**

4           Section 5. The Liquor Control Act of 1934 is amended by  
5           changing Sections 1-3.05, 1-3.45, and 6-16 and by adding  
6           Sections 1-3.47 and 6-35.5 as follows:

7           (235 ILCS 5/1-3.05) (from Ch. 43, par. 95.05)

8           Sec. 1-3.05. Alcoholic liquor. "Alcoholic liquor" includes  
9           alcohol, spirits, wine and beer, and every liquid or solid,  
10           patented or not, containing alcohol, spirits, wine or beer,  
11           and capable of being consumed as a beverage by a human being.  
12           "Alcoholic liquor" also includes alcohol-infused products.  
13           "Alcoholic liquor" does not include frozen desserts containing  
14           alcoholic liquor. The provisions of this Act shall not apply  
15           to alcohol used in the manufacture of denatured alcohol  
16           produced in accordance with Acts of Congress and regulations  
17           promulgated thereunder, nor to any liquid or solid containing  
18           one-half of one per cent, or less, of alcohol by volume. No tax  
19           provided for in Article VIII of this Act shall apply to wine  
20           intended for use and used by any church or religious  
21           organization for sacramental purposes, provided that such wine  
22           shall be purchased from a licensed manufacturer or importing  
23           distributor under this Act.

1 (Source: P.A. 103-904, eff. 1-1-25.)

2 (235 ILCS 5/1-3.45)

3 Sec. 1-3.45. Alcohol-infused products. "Alcohol-infused  
4 products" means any frozen or unfrozen, solid or semi-solid  
5 food in a form other than liquid, including, but not limited  
6 to, ~~ice cream, ice pops, whipped cream, gelatin-based~~  
7 products, and other similar products, containing more than  
8 0.5% alcohol by volume. "Alcohol-infused products" does not  
9 include frozen desserts containing alcoholic liquor.

10 (Source: P.A. 103-904, eff. 1-1-25.)

11 (235 ILCS 5/1-3.47 new)

12 Sec. 1-3.47. Frozen desserts containing alcoholic liquor.  
13 "Frozen desserts containing alcoholic liquor" means ice creams  
14 or other frozen desserts that are made with liquor, wine,  
15 beer, cider, or any combination thereof and that contain more  
16 than 0.5% but not more than 5% of alcohol by volume.

17 (235 ILCS 5/6-16) (from Ch. 43, par. 131)

18 Sec. 6-16. Prohibited sales and possession.

19 (a) (i) No licensee nor any officer, associate, member,  
20 representative, agent, or employee of such licensee shall  
21 sell, give, or deliver alcoholic liquor or frozen desserts  
22 containing alcoholic liquor to any person under the age of 21  
23 years or to any intoxicated person, except as provided in

1       Section 6-16.1. (ii) No express company, common carrier, or  
2       contract carrier nor any representative, agent, or employee on  
3       behalf of an express company, common carrier, or contract  
4       carrier that carries or transports alcoholic liquor for  
5       delivery within this State shall knowingly give or knowingly  
6       deliver to a residential address any shipping container  
7       clearly labeled as containing alcoholic liquor and labeled as  
8       requiring signature of an adult of at least 21 years of age to  
9       any person in this State under the age of 21 years. An express  
10      company, common carrier, or contract carrier that carries or  
11      transports such alcoholic liquor for delivery within this  
12      State shall obtain a signature at the time of delivery  
13      acknowledging receipt of the alcoholic liquor by an adult who  
14      is at least 21 years of age. At no time while delivering  
15      alcoholic beverages within this State may any representative,  
16      agent, or employee of an express company, common carrier, or  
17      contract carrier that carries or transports alcoholic liquor  
18      for delivery within this State deliver the alcoholic liquor to  
19      a residential address without the acknowledgment of the  
20      consignee and without first obtaining a signature at the time  
21      of the delivery by an adult who is at least 21 years of age. A  
22      signature of a person on file with the express company, common  
23      carrier, or contract carrier does not constitute  
24      acknowledgement of the consignee. Any express company, common  
25      carrier, or contract carrier that transports alcoholic liquor  
26      for delivery within this State that violates this item (ii) of

1 this subsection (a) by delivering alcoholic liquor without the  
2 acknowledgement of the consignee and without first obtaining a  
3 signature at the time of the delivery by an adult who is at  
4 least 21 years of age is guilty of a business offense for which  
5 the express company, common carrier, or contract carrier that  
6 transports alcoholic liquor within this State shall be fined  
7 not more than \$1,001 for a first offense, not more than \$5,000  
8 for a second offense, and not more than \$10,000 for a third or  
9 subsequent offense. An express company, common carrier, or  
10 contract carrier shall be held vicariously liable for the  
11 actions of its representatives, agents, or employees. For  
12 purposes of this Act, in addition to other methods authorized  
13 by law, an express company, common carrier, or contract  
14 carrier shall be considered served with process when a  
15 representative, agent, or employee alleged to have violated  
16 this Act is personally served. Each shipment of alcoholic  
17 liquor delivered in violation of this item (ii) of this  
18 subsection (a) constitutes a separate offense. (iii) No  
19 person, after purchasing or otherwise obtaining alcoholic  
20 liquor or frozen desserts containing alcoholic liquor, shall  
21 sell, give, or deliver such alcoholic liquor or frozen  
desserts containing alcoholic liquor to another person under  
22 the age of 21 years, except in the performance of a religious  
23 ceremony or service. Except as otherwise provided in item  
24 (ii), any express company, common carrier, or contract carrier  
25 that transports alcoholic liquor within this State that

1 violates the provisions of item (i), (ii), or (iii) of this  
2 paragraph of this subsection (a) is guilty of a Class A  
3 misdemeanor and the sentence shall include, but shall not be  
4 limited to, a fine of not less than \$500. Any person who  
5 violates the provisions of item (iii) of this paragraph of  
6 this subsection (a) is guilty of a Class A misdemeanor and the  
7 sentence shall include, but shall not be limited to a fine of  
8 not less than \$500 for a first offense and not less than \$2,000  
9 for a second or subsequent offense. Any person who knowingly  
10 violates the provisions of item (iii) of this paragraph of  
11 this subsection (a) is guilty of a Class 4 felony if a death  
12 occurs as the result of the violation.

13 If a licensee or officer, associate, member,  
14 representative, agent, or employee of the licensee, or a  
15 representative, agent, or employee of an express company,  
16 common carrier, or contract carrier that carries or transports  
17 alcoholic liquor for delivery within this State, is prosecuted  
18 under this paragraph of this subsection (a) for selling,  
19 giving, or delivering alcoholic liquor or frozen desserts  
20 containing alcoholic liquor to a person under the age of 21  
21 years, the person under 21 years of age who attempted to buy or  
22 receive the alcoholic liquor or frozen desserts containing  
23 alcoholic liquor may be prosecuted pursuant to Section 6-20 of  
24 this Act, unless the person under 21 years of age was acting  
25 under the authority of a law enforcement agency, the Illinois  
26 Liquor Control Commission, or a local liquor control

1 commissioner pursuant to a plan or action to investigate,  
2 patrol, or conduct any similar enforcement action.

3 For the purpose of preventing the violation of this  
4 Section, any licensee, or his agent or employee, or a  
5 representative, agent, or employee of an express company,  
6 common carrier, or contract carrier that carries or transports  
7 alcoholic liquor for delivery within this State, shall refuse  
8 to sell, deliver, or serve alcoholic beverages or frozen  
9 desserts containing alcoholic liquor to any person who is  
10 unable to produce adequate written evidence of identity and of  
11 the fact that he or she is over the age of 21 years, if  
12 requested by the licensee, agent, employee, or representative.

13 Adequate written evidence of age and identity of the  
14 person is a document issued by a federal, state, county, or  
15 municipal government, or subdivision or agency thereof,  
16 including, but not limited to, a motor vehicle operator's  
17 license, a registration certificate issued under the Federal  
18 Selective Service Act, or an identification card issued to a  
19 member of the Armed Forces. Proof that the defendant-licensee,  
20 or his employee or agent, or the representative, agent, or  
21 employee of the express company, common carrier, or contract  
22 carrier that carries or transports alcoholic liquor for  
23 delivery within this State demanded, was shown and reasonably  
24 relied upon such written evidence in any transaction forbidden  
25 by this Section is an affirmative defense in any criminal  
26 prosecution therefor or to any proceedings for the suspension

1 or revocation of any license based thereon. It shall not,  
2 however, be an affirmative defense if the agent or employee  
3 accepted the written evidence knowing it to be false or  
4 fraudulent. If a false or fraudulent Illinois driver's license  
5 or Illinois identification card is presented by a person less  
6 than 21 years of age to a licensee or the licensee's agent or  
7 employee for the purpose of ordering, purchasing, attempting  
8 to purchase, or otherwise obtaining or attempting to obtain  
9 the serving of any alcoholic beverage or frozen dessert  
10 containing alcoholic liquor, the law enforcement officer or  
11 agency investigating the incident shall, upon the conviction  
12 of the person who presented the fraudulent license or  
13 identification, make a report of the matter to the Secretary  
14 of State on a form provided by the Secretary of State.

15 However, no agent or employee of the licensee or employee  
16 of an express company, common carrier, or contract carrier  
17 that carries or transports alcoholic liquor for delivery  
18 within this State shall be disciplined or discharged for  
19 selling or furnishing liquor or frozen desserts containing  
20 alcoholic liquor to a person under 21 years of age if the agent  
21 or employee demanded and was shown, before furnishing liquor  
22 or frozen desserts containing alcoholic liquor to a person  
23 under 21 years of age, adequate written evidence of age and  
24 identity of the person issued by a federal, state, county or  
25 municipal government, or subdivision or agency thereof,  
26 including, but not limited to, a motor vehicle operator's

1 license, a registration certificate issued under the Federal  
2 Selective Service Act, or an identification card issued to a  
3 member of the Armed Forces. This paragraph, however, shall not  
4 apply if the agent or employee accepted the written evidence  
5 knowing it to be false or fraudulent.

6 Any person who sells, gives, or furnishes to any person  
7 under the age of 21 years any false or fraudulent written,  
8 printed, or photostatic evidence of the age and identity of  
9 such person or who sells, gives or furnishes to any person  
10 under the age of 21 years evidence of age and identification of  
11 any other person is guilty of a Class A misdemeanor and the  
12 person's sentence shall include, but shall not be limited to,  
13 a fine of not less than \$500.

14 Any person under the age of 21 years who presents or offers  
15 to any licensee, his agent or employee, any written, printed  
16 or photostatic evidence of age and identity that is false,  
17 fraudulent, or not actually his or her own for the purpose of  
18 ordering, purchasing, attempting to purchase or otherwise  
19 procuring or attempting to procure, the serving of any  
20 alcoholic beverage or frozen dessert containing alcoholic  
21 liquor, who falsely states in writing that he or she is at  
22 least 21 years of age when receiving alcoholic liquor or a  
23 frozen dessert containing alcoholic liquor from a  
24 representative, agent, or employee of an express company,  
25 common carrier, or contract carrier, or who has in his or her  
26 possession any false or fraudulent written, printed, or

1 photostatic evidence of age and identity, is guilty of a Class  
2 A misdemeanor and the person's sentence shall include, but  
3 shall not be limited to, the following: a fine of not less than  
4 \$500 and at least 25 hours of community service. If possible,  
5 any community service shall be performed for an alcohol abuse  
6 prevention program.

7 Any person under the age of 21 years who has any alcoholic  
8 beverage or frozen dessert containing alcoholic liquor in his  
9 or her possession on any street or highway or in any public  
10 place or in any place open to the public is guilty of a Class A  
11 misdemeanor. This Section does not apply to possession by a  
12 person under the age of 21 years making a delivery of an  
13 alcoholic beverage or frozen dessert containing alcoholic  
14 liquor in pursuance of the order of his or her parent or in  
15 pursuance of his or her employment.

16 (a-1) It is unlawful for any parent or guardian to  
17 knowingly permit his or her residence, any other private  
18 property under his or her control, or any vehicle, conveyance,  
19 or watercraft under his or her control to be used by an invitee  
20 of the parent's child or the guardian's ward, if the invitee is  
21 under the age of 21, in a manner that constitutes a violation  
22 of this Section. A parent or guardian is deemed to have  
23 knowingly permitted his or her residence, any other private  
24 property under his or her control, or any vehicle, conveyance,  
25 or watercraft under his or her control to be used in violation  
26 of this Section if he or she knowingly authorizes or permits

1       consumption of alcoholic liquor or frozen desserts containing  
2       alcoholic liquor by underage invitees. Any person who violates  
3       this subsection (a-1) is guilty of a Class A misdemeanor and  
4       the person's sentence shall include, but shall not be limited  
5       to, a fine of not less than \$500. Where a violation of this  
6       subsection (a-1) directly or indirectly results in great  
7       bodily harm or death to any person, the person violating this  
8       subsection shall be guilty of a Class 4 felony. Nothing in this  
9       subsection (a-1) shall be construed to prohibit the giving of  
10      alcoholic liquor to a person under the age of 21 years in the  
11      performance of a religious ceremony or service in observation  
12      of a religious holiday.

13       For the purposes of this subsection (a-1) where the  
14      residence or other property has an owner and a tenant or  
15      lessee, the trier of fact may infer that the residence or other  
16      property is occupied only by the tenant or lessee.

17       (b) Except as otherwise provided in this Section whoever  
18      violates this Section shall, in addition to other penalties  
19      provided for in this Act, be guilty of a Class A misdemeanor.

20       (c) Any person shall be guilty of a Class A misdemeanor  
21      where he or she knowingly authorizes or permits a residence  
22      which he or she occupies to be used by an invitee under 21  
23      years of age and:

24               (1) the person occupying the residence knows that any  
25      such person under the age of 21 is in possession of or is  
26      consuming any alcoholic beverage or frozen dessert

1                   containing alcoholic liquor; and

2                   (2) the possession or consumption of the alcohol by  
3                   the person under 21 is not otherwise permitted by this  
4                   Act.

5                   For the purposes of this subsection (c) where the  
6                   residence has an owner and a tenant or lessee, the trier of  
7                   fact may infer that the residence is occupied only by the  
8                   tenant or lessee. The sentence of any person who violates this  
9                   subsection (c) shall include, but shall not be limited to, a  
10                   fine of not less than \$500. Where a violation of this  
11                   subsection (c) directly or indirectly results in great bodily  
12                   harm or death to any person, the person violating this  
13                   subsection (c) shall be guilty of a Class 4 felony. Nothing in  
14                   this subsection (c) shall be construed to prohibit the giving  
15                   of alcoholic liquor to a person under the age of 21 years in  
16                   the performance of a religious ceremony or service in  
17                   observation of a religious holiday.

18                   A person shall not be in violation of this subsection (c)  
19                   if (A) he or she requests assistance from the police  
20                   department or other law enforcement agency to either (i)  
21                   remove any person who refuses to abide by the person's  
22                   performance of the duties imposed by this subsection (c) or  
23                   (ii) terminate the activity because the person has been unable  
24                   to prevent a person under the age of 21 years from consuming  
25                   alcohol despite having taken all reasonable steps to do so and  
26                   (B) this assistance is requested before any other person makes

1 a formal complaint to the police department or other law  
2 enforcement agency about the activity.

3 (d) Any person who rents a hotel or motel room from the  
4 proprietor or agent thereof for the purpose of or with the  
5 knowledge that such room shall be used for the consumption of  
6 alcoholic liquor or frozen desserts containing alcoholic  
7 liquor by persons under the age of 21 years shall be guilty of  
8 a Class A misdemeanor.

9 (e) Except as otherwise provided in this Act, any person  
10 who has alcoholic liquor or a frozen dessert containing  
11 alcoholic liquor in his or her possession on public school  
12 district property on school days or at events on public school  
13 district property when children are present is guilty of a  
14 petty offense, unless the alcoholic liquor or frozen dessert  
15 containing alcoholic liquor (i) is in the original container  
16 with the seal unbroken and is in the possession of a person who  
17 is not otherwise legally prohibited from possessing the  
18 alcoholic liquor or frozen dessert containing alcoholic liquor  
19 or (ii) is in the possession of a person in or for the  
20 performance of a religious service or ceremony authorized by  
21 the school board.

22 (Source: P.A. 97-1049, eff. 1-1-13; 98-1017, eff. 1-1-15.)

23 (235 ILCS 5/6-35.5 new)

24 Sec. 6-35.5. Frozen desserts containing alcoholic liquor.

25 (a) No person shall sell a package of frozen desserts

1 containing alcoholic liquor that contains more than 5% alcohol  
2 by volume. No person shall sell, give, or deliver frozen  
3 desserts containing alcoholic liquor to a person under the age  
4 of 21. A person under the age of 21 may not purchase, possess,  
5 or consume frozen desserts containing alcoholic liquor.

6 (b) No person shall sell a package of frozen desserts  
7 containing alcoholic liquor for consumption off the premises  
8 unless:

9 (1) each package is a sealed package, as received from  
10 the manufacturer or distributor;

11 (2) each sealed package, as received from the  
12 manufacturer or distributor, prominently bears the  
13 following statements, in a format to be established or  
14 approved by the State Commission:

15 "(A) The sale of this product to individuals under  
16 the age of 21 years is prohibited.

17 (B) This product is made with (insert whichever is  
18 applicable: liquor, wine, beer, cider, or a  
19 combination thereof) and contains alcohol up to 5% by  
20 volume.

21 (C) NOTICE: This product contains alcohol used as  
22 flavoring and, as with any product that contains  
23 alcohol:

24 (1) women should not consume alcohol during  
25 pregnancy because of the risk of birth defects;  
26 and

(2) consumption of alcohol impairs your ability to drive a car or operate machinery and may cause health problems."; and

(3) the following advisory, on a sign or poster not less than 7 inches by 5 inches, in a format to be established or approved by the State Commission, is displayed prominently at each location where frozen desserts containing alcoholic liquor are made available to the public:

"THIS AREA CONTAINS FROZEN DESSERTS CONTAINING  
ALCOHOLIC LIQUOR. The sale of frozen desserts containing  
alcoholic liquor to individuals under the age of 21 years  
is prohibited.

The frozen desserts containing alcoholic liquor in this area contain alcohol up to 5% by volume.

NOTICE: Frozen desserts containing alcoholic liquor  
contain alcohol used as a flavoring and, as with any  
product that contains alcohol:

(1) women should not consume alcohol during

(2) consumption of alcohol impairs your ability to drive a car or operate machinery and may cause health problems. IT IS A VIOLATION PUNISHABLE UNDER LAW FOR ANY PERSON UNDER THE AGE OF 21 TO PRESENT ANY WRITTEN EVIDENCE OF AGE WHICH IS FALSE, FRAUDULENT, OR NOT ACTUALLY HIS OR HER OWN FOR THE PURPOSE OF ATTEMPTING

1           TO PURCHASE FROZEN DESSERTS CONTAINING ALCOHOLIC  
2           LIQUOR.".

3           (c) No person shall sell at retail individual servings of  
4           frozen desserts containing alcoholic liquor for consumption on  
5           the premises, unless the following statements are prominently  
6           displayed on the printed menu (or, if no printed menus are  
7           used, on the menu board or sign setting forth the bill of fare)  
8           immediately adjacent to the listing of the item or items of  
9           frozen desserts containing alcoholic liquor:

10           "(1) The sale of this product to individuals under the  
11           age of 21 years is prohibited.

12           (2) This product is made with (insert whichever is  
13           applicable: liquor, wine, beer, cider, or a combination  
14           thereof) and contains alcohol up to 5% by volume.

15           (3) NOTICE: This product contains alcohol used as  
16           flavoring and, as with any product that contains alcohol:

17           (A) women should not consume alcohol during  
18           pregnancy because of the risk of birth defects; and

19           (B) consumption of alcohol impairs your ability to  
20           drive a car or operate machinery and may cause health  
21           problems.".

22           (d) No manufacturer or distributor of frozen desserts  
23           containing alcoholic liquor shall sell such product to a  
24           person intending to sell at retail individual servings of  
25           frozen desserts containing alcoholic liquor or packages of  
26           frozen desserts containing alcoholic liquor for consumption

1 off the premises, unless, with each shipment, the manufacturer  
2 or distributor provides:

3           (1) a written notice that individual servings of  
4           frozen desserts containing alcoholic liquor or packages of  
5           frozen desserts containing alcoholic liquor may be sold at  
6           retail only if the retailer complies with all of the  
7           requirements set forth in subsection (b); and

8           (2) a written copy of the requirements set forth in  
9           subsection (b).

10           (d) Frozen desserts containing alcoholic liquor are  
11           subject to all applicable food safety laws, rules, standards,  
12           and requirements, including, but not limited to, the  
13           provisions of the Illinois Food, Drug and Cosmetic Act.

14           Section 10. The Illinois Food, Drug and Cosmetic Act is  
15           amended by changing Section 10 as follows:

16           (410 ILCS 620/10) (from Ch. 56 1/2, par. 510)

17           Sec. 10. A food is adulterated - (a) (1) If it bears or  
18           contains any poisonous or deleterious substance which may  
19           render it injurious to health; but in case the substance is not  
20           an added substance such food shall not be considered  
21           adulterated under this clause if the quantity of such  
22           substance in such food does not ordinarily render it injurious  
23           to health; or (2) (A) if it bears or contains any added  
24           poisonous or added deleterious substance other than one which

1 is (i) a pesticide chemical in or on a raw agricultural  
2 commodity; (ii) a food additive; or (iii) a color additive  
3 which is unsafe within the meaning of subsection (a) of  
4 Section 13; or (iv) a new animal drug which is unsafe within  
5 the meaning of Section 14; or (B) if it is a raw agricultural  
6 commodity and it bears or contains a pesticide chemical which  
7 is unsafe within the meaning of Section 408 (a) of the Federal  
8 Act as amended; or (C) if it is or it bears or contains, any  
9 food additive which is unsafe within the meaning of Section  
10 409 of the Federal Act as amended; provided that where a  
11 pesticide chemical has been used in or on a raw agricultural  
12 commodity in conformity with an exemption granted or tolerance  
13 prescribed under Section 408 of the Federal Act and such raw  
14 agricultural commodity has been subjected to processing such  
15 as canning, cooking, freezing, dehydrating or milling, the  
16 residue of such pesticide chemical remaining in or on such  
17 processed food shall, notwithstanding the provisions of  
18 Section 13 and Clause (C) of this Section not be deemed unsafe  
19 if such residue in or on the raw agricultural commodity has  
20 been removed to the extent possible in good manufacturing  
21 practice, and the concentration of such residue in the  
22 processed food when ready-to-eat, is not greater than the  
23 tolerance prescribed for the raw agricultural commodity; or  
24 (D) if it is, or it bears or contains, a new animal drug (or  
25 conversion product thereof) which is unsafe within the meaning  
26 of Section 512 of the Federal Act; or (3) if it consists in

1 whole or in part of a diseased, contaminated, filthy, putrid  
2 or decomposed substance, or if it is otherwise unfit for food;  
3 or (4) if it has been produced, prepared, packed or held under  
4 unsanitary conditions whereby it may have become contaminated  
5 with filth or whereby it may have been rendered diseased,  
6 unwholesome or injurious to health; or (5) if it is, in whole  
7 or in part, the product of a diseased animal or an animal which  
8 has died otherwise than by slaughter, or that has been fed upon  
9 the uncooked offal from a slaughterhouse; or (6) if its  
10 container is composed, in whole or in part, of any poisonous or  
11 deleterious substance which may render the contents injurious  
12 to health; or (7) if it has been intentionally subjected to  
13 radiation unless the use of the radiation was in conformity  
14 with a regulation or exemption in effect pursuant to Section  
15 13 of this Act or Section 409 of the Federal Act.

16 (b) (1) If any valuable constituent has been in whole or in  
17 part omitted or abstracted therefrom; or (2) if any substance  
18 has been substituted wholly or in part therefor; or (3) if  
19 damage or inferiority has been concealed in any manner; or (4)  
20 if any substance has been added thereto or mixed or packed  
21 therewith so as to increase its bulk or weight or reduce its  
22 quality or strength or make it appear better or of greater  
23 value than it is.

24 (c) If it is confectionery, ice cream, or frozen dessert  
25 and it bears or contains any alcohol; however, this subsection  
26 shall not apply to any confectionery, ice cream, or frozen

1       dessert by reason of its containing less than 5% by volume of  
2       alcohol.

3               (d) If it is or bears or contains any color additive which  
4       is unsafe within the meaning of Section 706(a) of the Federal  
5       Act.

6               (e) If its packaging or labeling is in violation of an  
7       applicable regulation issued pursuant to Section 3, 4 or 5 of  
8       the Illinois Poison Prevention Packaging Act.

9               (f) If it is an adulterated egg or egg product pursuant to  
10      Section 3.1 of the ~~Illinois Egg and Egg Products Act~~.

11      (Source: P.A. 85-179.)